

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION

CASE NO: 2023-025855-CA-01

**MICHAEL J. FITZGERALD,
individually**

Plaintiffs,

v.

WILLIAM MCNAE, individually,

Defendants.

/

PLAINTIFF'S AMENDED WITNESS AND EXHIBIT LIST

Plaintiff, Michael J. Fitzgerald, by and through the undersigned counsel and pursuant to this Court's December 4, 2024 Order on Motion for Extension of Time, hereby files Plaintiff's Witness and Exhibit List.

WITNESS LIST

1. Michael Fitzgerald
c/o Counsel for Plaintiff
2. William McNae
c/o Counsel for Defendant
3. Ronda McNae
504 11th Place
Kirkland, Washington 98033
4. Sheri Fiske Schultz, CPA/ABV/CFF
Fiske Forensic Accounting
1250 S. Pine Island Rd., Suite 300
Plantation, FL 33324

5. Michael J. DiTomasso, PhD
13834 SW 122 Court
Miami, FL 33186
6. Scott Lee, PhD
12412 112th Pl NE
Kirkland, WA 98033
7. Records Custodian Microsoft
c/o Davis Wright Tremaine LLP
929 108th Avenue NE, Suite 1500
Bellevue, WA 98004
8. Max Meyers, Esq.
Max Meyers Law PLLC
11200 Kirkland Way, Suite 340B01
Kirkland, WA 98033
9. Chris Maulden
Director, Employee Relations
c/o Microsoft
10. Ande Ferretti
GM, Global Employee Relations at Microsoft
c/o Microsoft
11. All witnesses listed on Defendant's Witness List.
12. Rebuttal and impeachment witnesses.

Plaintiff reserves the right to amend and supplement this witness list as discovery is ongoing.

EXHIBIT LIST

1. All pleadings, including exhibits.
2. The Confidential Settlement Agreement dated June 15, 2020 [McNae 0001-0005].
3. Email from William McNae to David Totten (Microsoft) dated March 29, 2022 [WMcNae 00022].
4. Email from William McNae to Chris Maulden (Microsoft) and Ande Ferretti (Microsoft) dated April 12, 2022 [McNae 001321 – 1323].

5. Email from William McNae to Chris Maulden (Microsoft) dated April 20, 2022 [McNae 001319-1320].
6. Email from William McNae to Chris Maulden (Microsoft) and Leslie Pickering (Microsoft) dated May 2, 2022 [McNae 001317-1318].
7. Email from William McNae to Chris Maulden (Microsoft) dated July 7, 2022 [WMcNae 00034-36].
8. July 13, 2021 Letter from William McNae to Microsoft [McNae 001275-1277].
9. Email from William McNae to John Wylie, Jenny L. Martinez (SoftwareONE), John Mayes (SoftwareONE), Ronda McNae dated July 15, 2022 [McNae 001353-1355].
10. Recording of phone call/video conference between William McNae and Chris Maulden (Microsoft) [W. McNae 268].
11. Recording of phone call/video conference between William McNae and Chris Maulden (Microsoft) [W. McNae 269].
12. Recording of phone call/video conference between William McNae and Wendy Sirkov from Microsoft CELA (Corporate, External, and Legal Affairs) [W. McNae 270].
13. Microsoft Policy Number MSPOLICY-1319973531-14 dated 06/20/2016 [MSFT_FITZGERALD_MCNAE_00028-36].
14. Airline Confirmation Friday October 18, 2019 from Seattle to Miami returning October 21, 2019 [WMcNae 000239-244].
15. Text messages between Will McNae and Josh Condie (Microsoft) dated 6/30/2021 through 4/26/2022 [WMcNae 000218-232].
16. Text messages between William McNae and David Totten (Microsoft) dated 7/21/2021 through 7/18/2022 [WMcNae 00070-73].
17. Text messages between William McNae and Jared Cheney (SoftwareONE) dated 4/11/2022 through 9/2/22 [WMcNae 00083-85].
18. Text message between Will McNae and Mike Fitzgerald in or around January - February 2020 [WMcNae 000251-260].
19. All documents listed in Defendant's Exhibit List.

20. Any and all documents produced in this case pursuant to any request for production of documents.

21. Any documents to be used for rebuttal or impeachment.

Plaintiff reserves the right to amend and supplement this exhibit list as discovery is ongoing.

Dated: February 19, 2025

Respectfully submitted,

ASSOULINE & BERLOWE, P.A.
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via email upon all parties listed on the Service List below on this 19th day of February, 2025.

By: /s/ *Meredith J. Gussin*
Meredith J. Gussin

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